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BEFORE THE ARIZONA CORPORATION COMMISSION

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DOCKETED BY

COMMISSIONERS

MIKE GLEASON, Chairman
 WILLIAM A. MUNDELL
 JEFF HATCH-MILLER
 KRISTIN K. MAYES
 GARY PIERCE

IN THE MATTER OF THE APPLICATION OF
 THE UNION PACIFIC RAILROAD COMPANY
 TO ALTER FIVE CROSSINGS OF THE UNION
 PACIFIC RAILROAD IN PINAL COUNTY,
 ARIZONA AT TREKELL, KEELING, PEART,
 COX AND SUNLAND GIN ROADS.

DOCKET NO. RR-03639A-07-0519

PROCEDURAL ORDER**BY THE COMMISSION:**

On September 7, 2007, the Union Pacific Railroad Company ("Railroad") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Railroad to alter five crossings of the Railroad in Pinal County ("County"), Arizona by adding a second set of mainline tracks. Three of these crossings are in the City of Casa Grande ("City") as follows: Trekell Road, AAR/DOT No. 741 367R; Cox Road, AAR/DOT No. 741 372M; and Sunland Gin Road, AAR/DOT 741 374B. The fourth and fifth crossings are in Pinal County at Keeling Road, AAR/DOT No. 741 368X and Peart Road, AAR/DOT No. 741 371F ("Application").

On October 24, 2007, the Commission's Safety Division's Railroad Safety Section ("Staff") and the Railroad participated in a teleconference to discuss aspects of the Application including public notice, other procedural matters and to determine a date for the hearing.

On November 8, 2007, by Procedural Order, the Commission ordered that a hearing be held on the application on February 21, 2008. The Procedural Order further ordered that notice be provided to various governmental entities by U.S. mail, established filing dates and ordered the Railroad to provide public notice of the hearing in the form and fashion set forth in the Procedural Order by December 31, 2007.

On December 13, 2007, Staff filed what was captioned "Staff Motion for Extension of Deadline UP Double Track Cases" ("Motion") in which Staff stated that due to complexities in the

1 application Staff was in the process of retaining a consultant who would require up to 30 days to
2 perform an assessment of the application following his retention. Due to this problem, Staff is
3 requesting an indefinite extension of the filing deadline for the Staff Report until it finalizes its
4 arrangements with the consultant. Staff further indicated that it would file a request for a Procedural
5 Order at such time as Staff would be in a position to be prepared for the hearing.

6 On December 19, 2007, the Railroad filed a response to Staff's Motion. The Railroad pointed
7 out that a delay at this stage of the proceeding would be very detrimental to the Railroad and its
8 customers and that Staff should have determined its need for a consultant earlier in the proceeding.
9 In closing, the Railroad stated that any extension granted should be no more than 30 days to insure
10 the application is processed within a reasonable time.

11 On December 21, 2007, Staff filed a reply to the Railroad's response to Staff's Motion
12 restating its request for an indefinite extension of time in this proceeding until Staff is able to
13 proceed.

14 Under the circumstances, Staff should disclose when they propose to file their Staff Report in
15 a timely fashion, and since it appears that public notice should have been given, the present hearing
16 date should be used for the taking of public comment only.

17 **IT IS THEREFORE ORDERED that the Commission's Safety Division Railroad Safety**
18 **Section shall file no later than January 11, 2008, when it proposes to file its Staff Report.**


19 **IT IS FURTHER ORDERED that the hearing presently scheduled for February 21, 2008,**
20 **shall be held for the purpose of taking public comment only** since it appears that public notice has
21 previously been provided by the Union Pacific Railroad Company.

22 **IT IS FURTHER ORDERED** that all other filing dates shall be held in abeyance pending the
23 filing by the Commission's Safety Division Railroad Safety Section which indicates when a form of
24 proposed Staff Report will be filed so that other filing dates may be determined and the evidentiary
25 portion of the proceeding be scheduled.

26 **IT IS FURTHER ORDERED** that all parties must comply with Rules 31 and 38 of the Rules
27 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission
28 *pro hac vice*.

IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 2nd day of January, 2008.


MARC E. STERN
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 2nd day of January, 2008 to:

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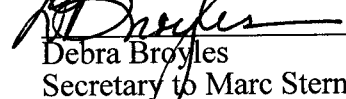
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By: 
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